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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/807,057 | 04/06/2001 | Roger John Leach | COLGRAP23AUS | 4301 |

7590 08/27/2002
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EXAMINER

GALLAGHER, JOHN J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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1733

6

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807057

Applicant(s)

mk-6

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 10-18 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 10-18 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☒ All ☐ Some* ☐ None of the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2-5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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1. Applicant's Preliminary Amendment filed 06 April 2001, has been received and made of record.

2. The disclosure is objected to because of the following informalities: (a) Page 12 line 1 - change "Claims" to "I Claim" or equivalent, as per MPEP § 608.01(m); and (b) in the Abstract at (1) lines 2 and 3 - correct the spelling of "powder"; and (2) line 5 - the term "(1)" should apparently be inserted after "coating" (first occurrence). Also, applicant may wish to delete (all) the reference numerals from the Abstract.

Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 10-15 are rejected under 35 U.S.C. § 102(b) and (e), respectively; as being (clearly) anticipated by either Murase or Jurgetz et al.

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Murase (Abstract, column 1 lines 5-10 and N.B. lines 21-35, column 2 lines 21-23, column 2 line 47 thru column 5 line 42 (and N.B. column 4 lines 45-49 AND column 5 lines 35-37), column 7 line 55 thru column 8 line 3, N.B. column 9 lines 16-48) and Jurgetz et al. (Abstract, column 1 lines 11-31, column 8 lines 53-62, column 9 line 20 thru column 10 line 44) both disclose that it is known to apply two superposed, separate and distinct layers of DIFFERENT curable thermosetting resins in powder or particulate form to an (e.g. glass) substrate, which resin layers are heated to melt and cure them thereon. All of the essential limitations of these claims are seen to be satisfied by either of these references; further regarding claim 15, compare the resinous materials employed by each of these respective patentees with page 1 line 36 thru page 2 line 1 of applicant's specification.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 16-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Creighton et al. in view of McConkey et al.

Creighton et al. disclose that it is known to effect adhesive bonding or lamination of two substrates via the interposition therebetween of an adhesive intermediary composed of a (film) adhesive composed of two superposed, separate and distinct layers of two DIFFERENT curable thermosetting resins, one of the resins (a) being (applied) in powder or particulate form; and (b) having a lower cure temperature than the other. (Column 1 lines 4-6, N.B. column 1 line 49 thru column 2 line 2, column 2 lines 21-26 and 49-68, column 3 lines 1-13, column 4 lines 32-62).

McConkey et al. disclose that, in processes of the type and most similar to those of the other three applied references (viz. involving the application of a plurality of thermosetting resin layers to a substrate), it is known and conventional (i.e. appreciated by this art) to apply either or both resin layers in either liquid or (in the alternative) powder or particulate form (Abstract, column 1 lines 13-14, column 2 lines 6-26 (and N.B. lines 6-10), column 4 lines 10-15), such that it would have been obvious to one of ordinary skill in this art to apply the first resin layer of Creighton et al. in powder or particulate form (i.e. instead of in liquid form), those of ordinary skill in this

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art being directed to this alternative mode of application by the clear teaching of McConkey et al. along this line (i.e. again, N.B. column 2 lines 6-10).

7. Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Creighton et al. in view of McConkey et al. and further in view of either Murase or Jurgetz et al. It would have been obvious to one of ordinary skill in this art to incorporate a pigment or colorant in either or both of the adhesives of Creighton et al. as employed in their bonding process (and as further modified by McConkey et al.) in view of the clear teaching of both Murase (N.B. column 9 lines 16-19 and 42-44) and Jurgetz et al. (N.B. column 8 lines 53-62 and column 9 lines 30-32) along this line; mere incorporation of a known, conventional and standard inert additive or adjuvant involved. Even without the Murase and Jurgetz et al. references, the inclusion of a conventional inert pigment or colorant additive ingredient in either or both of the adhesives of Creighton et al. is seen to be obvious to those of ordinary skill in this art as constituting a mere "colored variation", an accidental (as opposed to a substantial) modification being seen to be involved.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. J. Gallagher whose telephone number is (703) 308-1971. The examiner

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can normally be reached on M-F from approximately 8:30 A.M. to 5 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball, can be reached on (703) 308-2058. The fax phone number for this Group is (703) ⁸⁷²⁻⁹³¹⁰ ~~305-3599~~.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661/0662.


JJGallagher:cdc

August 9, 2002


JOHN J. GALLAGHER
PRIMARY EXAMINER
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